

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3196-01
Bill No.: HB 1330
Subject: Crimes and Punishment; Fire Protection; Miscellaneous Licenses
Type: Original
Date: March 11, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(\$16,964)	(\$13,773)	(\$24,497)
Total Estimated Net Effect on <u>All</u> State Funds	(\$16,964)	(\$13,773)	(\$24,497)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation could increase the caseloads of prosecutors because the proposal creates a new crime. The OPS assumes the increase should be less than \$100,000. However, passage of numerous bills creating new crimes could have a greater fiscal impact.

Oversight assumes prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of Secretary of State** assume the proposal establishes the criteria for the regulation and certification of explosive blasters and includes penalty provisions. The Department of Public Safety, Division of Fire Safety, Office of State Fire Marshal shall promulgate rules to implement this legislation. These rules will be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Public Safety, Division of Fire Safety, Office of State Fire Marshal could require as many as 16 pages in the *Code of State Regulations* and roughly half again as many in the *Missouri Register* as cost statements, fiscal notes and the like are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23 and the estimated cost of a page in the *Code of State Regulations* is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of the rules filed, amended, rescinded, or withdrawn. The anticipated cost of the proposal is \$984 in FY 2003, and unknown in subsequent years.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriations process.

ASSUMPTION (continued)

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those 5-10 cases arising where indigent persons were charged with handling explosive blasters without a blaster's certification. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Public Safety – Division of Fire Safety (DFS)** assume, based on data gathered from the Missouri Limestone Producers Association, blasting manufacturers, and general contractors, there are at least 550 blasters that would qualify for certification. With the legislation effective August 2002, and given the time necessary to promulgate and pass rules, DFS estimates 200 blasters would certify in FY02. In FY03, approximately 300 blasters are anticipated to certify, with the remaining 50 blasters applying in FY04. Also, the recertification period would begin in FY05. The original application fee would be set at 450.00, with the recertification fee being at \$25.00. The DFS would request one FTE Senior Office Support Assistant (at \$19,762 per year, plus fringe benefits, equipment, and expense) to review applications, research the individual's criminal background in the MULES system, administer the certification exam, collect fees, and issue certificates. In addition, this position would notify certified blasters of their certification expiration, review re-certification applications, and issue re-certification cards or certificates. The additional duties of reviewing and approving training courses, auditing courses and developing the blaster certification exam can be handled by existing staff within the Division's Training Unit. The DFS estimates the cost of the proposal to be \$16,964 in FY 03; \$13,773 in FY 04; and \$24,497 in FY 05.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be

absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Income</u> – Division of Fire Safety			
Application Fees	\$10,000	\$15,000	\$5,000
<u>Costs</u> – Division of Fire Safety			
Personal Service (1 FTE)	(\$16,882)	(\$20,765)	(\$21,284)
Fringe Benefits	(\$5,757)	(\$7,081)	(\$7,258)
Equipment and Expense	<u>(\$4,325)</u>	<u>(\$927)</u>	<u>(\$955)</u>
Total Costs – Division of Fire Safety	<u>(\$26,964)</u>	<u>(\$28,773)</u>	<u>(\$29,497)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$16,964)</u>	<u>(\$13,773)</u>	<u>(\$24,497)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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FISCAL IMPACT - Small Business

The proposed legislation could have a fiscal impact on small business.

DESCRIPTION

The proposed legislation would establish requirements for the regulation and certification of explosive blasters. Application for certification would be made to the Division of Fire Safety, Office of the State Fire Marshal.

Certification would be good for three years; recertification would require eight hours of a training course or seminar and a letter from the blaster's supervisor confirming that the blaster works with blasting or explosives. Certification would be required to be posted at the blaster's work site or carried by the blaster and would be good for the entire state; certified blasters would not be required to obtain any additional local licenses or certifications. Certification would not be not assignable or transferrable.

The division would be able to revoke or suspend a certificate. The proposal would provide for an appeal process for revocation, suspension, or denial of certification.

DESCRIPTION (continued)

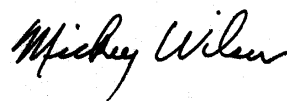
Under the proposal, the division would review applications, issue approvals for blaster training courses, and provide a standard certification examination to applicants.

Violations of the proposal would be, for a first offense, a class C misdemeanor; for a second offense, a class B misdemeanor; and for a third offense, a class A misdemeanor. Persons blasting or using explosives under the direct supervision of a certified blaster would not be in violation. The following uses of explosives would be exempt from the penalty provisions: in laboratories for teaching or research, in government training or emergency operation, by the U.S. military, as fireworks, as small arms ammunition, within an industrial furnace, and by public utilities.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Secretary of State
Office of Prosecution Services
Office of Attorney General
Office of State Public Defender
Department of Public Safety
 – Division of Fire Safety
 – Missouri State Highway Patrol
Department of Corrections



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March 11, 2002

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